

DOMINICAN REPUBLIC 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Dominican Republic is a representative constitutional democracy. In 2020, Luis Abinader of the Modern Revolutionary Party was elected president for a four-year term, the first transfer of power from one party to another in 16 years. Impartial outside observers assessed the election as generally free, fair, and orderly.

The National Police and National Migration Directorate fall under the Ministry of Interior and Police but in practice report directly to the president. The Airport Security Authority, Port Security Authority, and Border Security Corps have some domestic security responsibilities and report to the Ministry of Defense and through that ministry to the president. The National Drug Control Directorate, which has personnel from both police and the armed forces, reports directly to the president, as does the National Department of Investigations. The National Drug Control Directorate, National Department of Investigations, and National Migration Directorate have significant domestic security responsibilities. The Dominican Directorate of Prisons reports to the Attorney General's Office. Civilian authorities generally maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by government security forces; cruel, inhuman, or degrading treatment or punishment by police and other government agents; harsh and life-threatening prison conditions; arbitrary detention; arbitrary interference with privacy; serious government corruption; and violence against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government took steps in some cases to prosecute and punish officials who committed human rights abuses or corrupt acts, but inconsistent and ineffective application of the law sometimes led to impunity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the National Police and other government security forces committed arbitrary or unlawful killings of civilians. According to the National Human Rights Commission (NHRC), at least 170 persons were killed by the police during the year. While the Attorney General's Office prosecuted some high-profile cases of abuse by police, civil society representatives asserted that many killings and abuses went unreported due to the public's lack of faith in the government to investigate and pursue charges or due to fear of retribution by police.

There were reports of killings and unexplained deaths that occurred during migration operations, which expanded significantly in the second half of the year. In November the newspaper *Hoy* reported the death of a Haitian national, Delouise Estimable, while in the custody of the National Migration Directorate (DGM). The victim's parents alleged the victim had been beaten by migration agents and locked in a detention truck prior to his death. There were no indications that the DGM investigated the case or took steps to hold migration officers accountable.

In June the newspaper *Diario Libre* reported that a group of seven individuals, including three members of the military, killed a Haitian national and set fire to eight homes in the La Rosa area of the Majagual sector, in a mountainous area of the Galván municipality, Bahoruco Province.

According to a report published by the Socialist Movement of Workers (MST), in March, DGM agents shot and killed a young Haitian man in his home and injured another man during a raid in a residential area of Las Matas de Farfán, San Juan Province, that was suspected of housing undocumented Haitian migrants. The MST described the operation, and others launched throughout the year by DGM, as being plagued by arbitrariness, robbery, and abuse by migration authorities.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the law prohibits torture, beating, and physical abuse, there were reports that members of government security forces carried out such practices.

From March to May, the deaths of three individuals— José Gregorio Custodio, Richard Báez, and David de los Santos – while in police custody reignited the national debate regarding police reform. Police implicated in the incidents were suspended and turned over to the Attorney General’s Office for prosecution. The Ministry of Interior and Police publicly acknowledged the cases and recommitted to implementing police reform initiatives.

Civil society organizations and other observers raised concerns over harsh and often degrading treatment by migration authorities of undocumented Haitian migrants and stateless persons of Haitian descent during DGM detention and deportation operations and at DGM detention centers, particularly its facility in Haina. These concerns included arbitrary detentions, physical abuse of detainees, home entries without a warrant, revocation or destruction of identity documents, theft of personal belongings by migration agents, children being kept in cells with adults, sexual violence, inadequate access to healthcare throughout the deportation process, the unlawful deportation of unaccompanied children and pregnant or lactating mothers, and other hostile or abusive treatment.

In August, the government appointed a new DGM director general. According to international and civil society observers, under the new director general’s leadership, the problematic practices and conduct of DGM agents continued.

In September a Dominican citizen who was detained by migration officials under the assumption that he was Haitian, reported that he was beaten repeatedly by migration officials to quiet his protests. A partner organization later secured his release while he was en route to the border for deportation, but he was detained again at a military checkpoint on his way home. After several days, he was

eventually released from custody through the help of a family member and a lawyer.

In November multiple witnesses reported seeing migration officials beating detainees with sticks, including two Haitian nationals who were beaten so badly that they were left unconscious, to the point of requiring intervention by emergency medical professionals. In another incident, a Haitian national reported she was beaten during her detention and later thrown from a moving van by migration officials as punishment for arguing with them. The incident left her with visible wounds to her face that were not properly treated, resulting in infection. The government did not provide any evidence that allegations of human rights abuses by migration officials were seriously investigated or that the government revised its detention practices.

In January President Abinader established the Commission for the Transformation of the National Police, which he chaired. The commission included the minister of the presidency, minister of interior and police, civil society representatives, and an executive commissioner. The commission was charged with implementing the recommendations of the December 2021 report *Working Group for the Transformation and Professionalization of the National Police*, which, among other recommendations, called for updates of police protocols based on ethics, service to the citizenry, and protection of human rights.

Impunity remained a problem within the security forces, particularly the National Police and the DGM. Civil society organizations reported that police announced investigations into abuse complaints but did not consistently share the results publicly. Nongovernmental organizations (NGOs) alleged that in some cases, officers suspected of abuses were transferred to other parts of the country to avoid punishment. The government worked to address issues related to impunity through training programs for police officers, including specialized courses on human rights, which were part of their continuing education courses. The government's reform and training efforts appeared limited to the National Police; there was no indication the government undertook similar efforts for the DGM.

Prison and Detention Center Conditions

The prison system consists of “new-model” prisons, called correctional rehabilitation centers (CRCs), and “old-model” prisons, although there is no legal distinction between them. Conditions ranged from general compliance with international standards in the CRCs to harsh and life-threatening conditions in old-model prisons due to overcrowding, violence, physical abuse, and poor living and sanitary conditions.

Abusive Physical Conditions: Gross overcrowding and unsanitary conditions remained a problem in many old-model prisons and migration detention centers, in particular the facility in Haina. Most old-model prisons exceeded capacity, while the CRCs did not. La Victoria, the oldest prison, held 7,761 inmates, although it was designed for a maximum capacity of 2,103.

According to the Directorate of Prisons, military and police personnel guarded old-model prisons, while a trained civilian corps guarded the CRCs. Reports of mistreatment and violence in old-model prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors. Some old-model prisons remained effectively outside the control of authorities, with wardens often controlling only the perimeter, while inmates controlled the inside with their own rules and systems of justice. There were reports of drug trafficking, arms trafficking, prostitution, and sexual abuse in those prisons. Although the law mandates separation of prisoners according to severity of offense, authorities did not follow these rules in the old-model prisons.

In old-model prisons, health and sanitary conditions were generally inadequate. Due to a lack of space and available beds, as well as inadequate restroom facilities, some inmates reported they had to sleep on the same floors where they were forced to relieve themselves.

Observers reported inhuman conditions in migration detention centers, particularly late in the year as detention and deportation operations surged and centers were increasingly overcrowded. This included reports of overcrowded facilities with no access to beds or seating, detainees being held outdoors, lack of access to restrooms, detainees relieving themselves where they were being held, and lack of

access to food or water for periods ranging from several hours to several days. Some detention centers reportedly served one poor-quality meal a day at noon, while others reportedly served no food or water at all, including to infants and children. There were also credible reports that DGM agents committed acts of sexual violence against detainees and that the DGM did not take the necessary precautions to separate male and female detainees or separate adults from children in its detention facilities.

Prison officials did not separate sick inmates, except for prisoners reporting COVID-19 symptoms. Delays in receiving medical attention were common in both the old-model prisons and the CRCs. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population. In most cases, inmates purchased their own medications or relied on family members or outside associates to provide medications. According to the Directorate of Prisons, all prisons provided treatment for HIV and AIDS, but the NHRC stated that none of the old-model prisons was properly equipped to provide such treatment. Illness was the primary cause of deaths reported in the prison system.

In the CRCs and certain old-model prisons, a subset of the prison population with mental disabilities received treatment, including therapy, for their conditions. In most old-model prisons, however, the government did not provide services to prisoners with mental disabilities. In general, the mental-health services provided to prisoners were inadequate or inconsistent with prisoners' needs.

The government reported it had installed wheelchair ramps in some prisons for prisoners with physical disabilities. NGOs claimed most prisons did not provide access for inmates with disabilities.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted visits to and monitoring of prisons by independently funded and operated nongovernmental observers, international organizations, and media. The NHRC, National Office of Public Defense, Attorney General's Office, and CRC prison administration together created human rights committees in each CRC that were authorized to conduct surprise visits. Access to migrant detention centers for monitoring, however, was

not systematically granted to human rights organizations.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her detention in court. The government generally observed this requirement, but arbitrary arrests and detentions remained a problem. Civil society observers reported a sharp increase in arbitrary arrests and detentions by migration authorities and other security forces of persons perceived to be undocumented Haitian migrants, especially after President Abinader announced deportations would increase in November.

Arrest Procedures and Treatment of Detainees

The law provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. Nonetheless, there were reports of detainees who remained in police stations for long periods of time, even weeks, before being transferred to a prison. Police stations did not have adequate physical conditions or the resources, including food, to provide for detainees for an extended period.

The law permits police to apprehend, without an arrest warrant, any person caught in the act of committing a crime or reasonably linked to a crime, such as cases involving hot pursuit or escaped prisoners. Police often detained all suspects and witnesses to a crime. It was common for authorities to detain, fingerprint, question, and then release detainees with little or no explanation for the detention. Successful habeas corpus hearings reduced abuses of the arrest law significantly. There was a functioning bail system and a system of house arrest.

The law permits migration authorities to detain and deport a person when the illegal migration status of the person is established, however, there were reports that migration officials arbitrarily detained citizens and foreigners based primarily on the perception they could be undocumented Haitian migrants. Many of these persons were deported to Haiti. Others were released only after their legal status could be proven, either by immediately providing documentation or after being detained and moved to a migration detention center for verification, which often required the intervention of family members or outside organizations.

Additionally, migration law states minors, pregnant or lactating women, the elderly, and asylum seekers should not be detained by migration officials, but migration officials often detained and deported members of these groups.

The law requires provision of counsel to indigent defendants. The National Office of Public Defense provided free legal aid to those who could not afford counsel, but due to inadequate staffing, many detainees and prisoners who could not afford private counsel did not have prompt access to a lawyer. Prosecutors and judges handled interrogations of juveniles since the law prohibits interrogation of juveniles by or in the presence of police.

Arbitrary Arrest: Police made sporadic sweeps or roundups in low-income, high-crime communities during which they arrested and detained individuals without warrants. During these operations, police detained large numbers of residents and seized personal property allegedly used in criminal activity. Civil society groups claimed police were often unable to show proof or provide reasons for the detentions. The DGM employed similar tactics in its detention operations. Civil society groups reported several instances of DGM operations targeting persons of color suspected of being undocumented Haitians, resulting in both lawful arrests and deportations, as well as instances of arbitrary detention of citizens and foreigners with valid residency documents. Migration officials reportedly confiscated or destroyed identity documents and held individuals until bribes were paid.

In May media outlets and civil society organizations raised concerns regarding arbitrary mass arrests and abusive treatment by migration agents during a large-scale operation in the Ciudad Juan Bosch residential area. During this operation, over 600 individuals were detained over several days and taken to the Haina Detention Center on suspicion of being undocumented Haitian migrants. Credible allegations included the detention of persons with valid documentation, cruel or degrading treatment of migrants in custody (including beatings, denial of food and water, and denial of access to restroom facilities), unlawful entry of private residences, and removal of individuals from their homes without court orders. According to the DGM, during one day of the operation, 325 of these detainees were determined to be undocumented and scheduled for deportation, while 60 of the detained individuals were determined to be legally present in the country and

were eventually released. The government did not provide any evidence that allegations of human rights abuses by migration officials were seriously investigated. (See section 1.f. regarding arbitrary arrests.)

In June, migration agents wearing facial coverings raided and cleared the restaurant L’Aromate Creole in Santiago and detained 21 individuals suspected of being undocumented Haitians. According to civil society organizations, the DGM claimed it was investigating a passport and visa trafficking gang, but it did not have a search warrant for the operation, and many of the detained individuals had valid citizenship or residency documents.

Civil society and international organizations reported that unlawful deportations of documented and vulnerable persons continued as the government increased border security measures and deportation operations. These deportations also included cases of Haitian migrants and their children, as well as Dominican citizens, being arbitrarily detained and deported because authorities did not permit them to retrieve their immigration or citizenship documents from their residences.

There were reports of unlawful deportations of unaccompanied children, parents who were forced to leave children behind, and women who were pregnant or lactating. During a migration operation in late November, a woman reported she had left her two daughters at home and fled to the local church. Upon returning home, she found that the DGM had entered and taken away her daughters and personal property. In October 2021, then Director General for Migration Enrique Garcia stated that citizens “cannot allow them [Haitians] to take away our country” and noted that “the Haitian solution is not in the Dominican Republic.” During a December 2021 radio interview, Garcia stated that the deportation of pregnant Haitians was not illegal since the law only prohibits their “detention.” He added that he could even look for them “under the beds...because the law allows [him] to.”

Civil society organization representatives said the government deported individuals in violation of international standards by taking them across the border without documentation, which the DGM referred to as “devolutions” or “not admitted.” The International Organization for Migration (IOM) worked with the government on a system for nonadmitted persons.

Pretrial Detention: Many suspects endured long pretrial detention. A judge may order detention lasting between three and 18 months. According to the Directorate of Prisons, as of September, nearly 60 percent of all prisoners were in pretrial detention. The length of such pretrial detentions occasionally equaled or exceeded the maximum sentence for the alleged crime, with some detentions reportedly lasting years. Time served in pretrial detention counted toward completing a sentence.

The failure of prison authorities to produce detainees for court hearings caused trial postponements. Many inmates had their court dates postponed due to a lack of transportation from prison to court. In other cases, lawyers, codefendants, interpreters, or witnesses did not appear or were not officially called by the court to appear. Despite protections in the law for defendants, in some cases, authorities held inmates beyond the legally mandated deadlines, even when there were no formal charges against the inmates.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Observers noted the government generally respected judicial independence and impartiality. The Attorney General's Office investigated high-level cases of corruption and drug trafficking, including cases involving government allies.

Civil society and attorneys complained of the backlog of cases in the judicial system and what they considered undue delay in legal proceedings.

Trial Procedures

The law provides for the right to a defense in a fair and public trial; however, the judiciary did not always enforce this right. The courts sometimes exceeded the maximum period of time established by the law for setting hearing dates. Due to personnel and resource constraints in the legal system, some defendants were denied one or more rights such as receiving a public defender or having the time and facilities to prepare a defense.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There are separate court systems for criminal law, commercial law, civil law, labor law, real estate law, and administrative law. Commercial and civil courts reportedly had lengthy delays in adjudicating cases, although their ultimate decisions were generally enforced. Political and economic influence in civil court decisions continued to be a problem, although less so under the Abinader administration.

Citizens have recourse to file a writ of amparo, an action to seek redress of any violation of a constitutional right, including violations of fundamental rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary entry into a private residence. The law provides that all other entries into a private residence require an arrest or search warrant issued by a judge, except when police are in hot pursuit of a suspect, a suspect is caught in the act of committing a crime, or police suspect a life is in danger. Despite these limits on government authorities, police and migration officials conducted illegal searches and seizures, including raids without warrants on private residences in poor neighborhoods. The government did not provide any evidence that these alleged human rights abuses were seriously investigated.

In May media outlets published video of DGM agents in Ciudad Juan Bosch climbing the balconies of multistory residential buildings to enter homes and detain suspected undocumented Haitian migrants. Civil society organizations described those actions and others that day as arbitrary entries into private residences because the DGM agents lacked court orders. Civil society representatives also reported instances of DGM agents taking money or personal property from both legal residents and undocumented migrants. They said these actions were the type of aggressive tactics frequently employed by the DGM during detention operations targeting undocumented persons (see also section 1.d.). The government did not

provide any evidence that the allegations of human rights abuses by migration officials were seriously investigated, although it did confirm that no DGM agents were punished in connection with the operation.

According to international and civil society observers, in November, during intensified migration operations across the country ordered by President Abinader, migration agents and other security forces unlawfully entered homes without search warrants and detained individuals suspected of being undocumented Haitian migrants without checking their documentation. During the operations, several Dominican citizens were detained in public, including persons traveling to work and a university student walking to class. Migration officials also broke into homes, including those owned by Dominican citizens, and detained those who could not prove their citizenship. A media outlet shared video of an incident in Dajabon in which a man was pulled from his home into the street by security forces as onlookers shouted, “He’s Dominican! He’s Dominican!”

In November, one organization gathered statements from witnesses reporting that during a raid by migration officials and armed forces in a rural community in the northwest, migration officials used force to break down doors to enter private residences and used violence to detain individuals in the middle of the night, apparently without court orders. In many cases, witnesses said, migration officials demanded bribes or stole belongings from homes, and did not give detainees a chance to dress or gather their belongings before locking them in vehicles for transportation to migration detention facilities.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. Media expressed a wide variety of views, but the government, political parties, and large businesses frequently influenced the press, in part through their large advertising budgets. The concentration of media ownership, weaknesses in the judiciary, and political influence also limited media’s independence.

Freedom of Expression: Individuals and groups were generally able to criticize the government publicly and privately without retaliation. There were incidents in which authorities or political factions intimidated members of the press or online content creators for media content that was critical of the state or on certain social issues. In an extreme example, an individual faced harassment and remained under pretrial probation for more than two years for retweeting an altered image of a historical figure; a judge determined the retweet violated the law regarding national figures and symbols.

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: Observers indicated the government exerted influence on the press, including through advertising contracts. Additionally, journalists likely practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of government leaders or media owners.

Libel/Slander Laws: The law criminalizes defamation and insult, with harsher punishment for offenses committed against public or state figures than for offenses against private individuals. The law penalizes libel for statements concerning the private lives of certain public figures, including government officials and foreign heads of state. There were no reported cases of government or public figures using these laws to punish critics of the government or retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

While the freedom of peaceful assembly was largely protected and respected, confrontations between protesters and security forces, and between different groups of protesters, occurred. Nationalist groups, which held large protests in Santo Domingo and other cities without government interference, often disrupted other gatherings with little reaction from the National Police, such as the harassment and intimidation of activists protesting the “Day of the Race” in Columbus Park in October. Conversely, in July, security forces aggressively intervened using fencing, batons, and pepper spray to block medical personnel from the Colegio Medico Dominicano who were marching in protest outside the National Palace and calling for employment benefits and improvements in the health-care system.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights, with some exceptions.

In-country Movement: Civil society representatives reported that citizens of Haitian descent, those perceived to be Haitian, Haitian migrants, and stateless individuals faced obstacles while traveling within the country. NGO representatives reported that security forces at times asked travelers to show immigration and citizenship documents at road checkpoints throughout the country. Citizens of Haitian descent and migrants without valid identity documents (and even some who held valid documents) reported fear of swift deportation when traveling within the country, especially near the border with Haiti. This fear of deportation led to these persons limiting their movements outside of their residential communities, thus restricting their ability to access health care and employment and inhibiting their labor rights under the law (see

also section 1.d.).

Citizenship: Civil society organizations reported instances of citizens of Haitian descent having their citizenship documentation confiscated on an arbitrary or discriminatory basis by police, migration officers, health-care workers, or other government officials who required the presentation of such documentation (see also section 2.g.).

e. Protection of Refugees

The government cooperated in a limited manner with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

In mid-2021, the government registered approximately 43,000 Venezuelan nationals residing in the country with irregular migration status. Registered individuals received a 60-day extension of legal status and those approved could apply for a temporary work or education visa. This status may be automatically renewed until the National Council on Migration declares an end to the current extraordinary situation in Venezuela. The program applied to Venezuelans, including children, who entered the country legally between January 2014 and March 2020. The government allowed Venezuelan applicants to apply with expired passports, which was not allowed for other foreigners.

The government and NGOs estimated an additional 100,000 Venezuelans lived in the country in an irregular migration status. In 2019, the government instituted a regulation requiring Venezuelans to apply for a tourist visa before entering the country. Previously, Venezuelans needed only a valid passport and could receive a tourist visa at the point of entry. Many Venezuelans in the country entered legally before the new regulation and stayed longer than the three-month allowance.

Venezuelan refugee and immigrant associations, with the support of the IOM, UNHCR, and the Coordination Platform for Refugees and Migrants from Venezuela (R4V Platform), coordinated with the government and civil society organizations to provide public-health and legal services for Venezuelan refugees and migrants. The R4V Platform was a regional interagency platform, led by the

IOM and UNHCR, for coordinating the humanitarian response for refugees and migrants from Venezuela.

Access to Asylum: Presidential decrees from the 1980s established a system for granting asylum or refugee status; however, the system was not implemented through legislation. The constitution prohibits administrative detention of asylum seekers, and migration law establishes that asylum seekers should not be detained under any circumstance. The system for providing protection to refugees was not effectively implemented and falls short of international standards. The government recognized and issued identity documents to fewer than 10 refugees during the past few years. Rejection rates for asylum claims were above 90 percent, and asylum applications often remained pending for several years.

The National Commission for Refugees (CONARE), an interministerial body led by the Ministry of Foreign Affairs, was responsible for adjudicating asylum claims. The process requires individuals to apply for asylum within 15 days of arrival in the country. If an asylum seeker was in the country for more than 15 days before applying for asylum, CONARE usually rejected the case on procedural grounds without analyzing the merit of the claim. CONARE also tended to reject any asylum application from an individual who was in, or who proceeded from, a foreign country where the individual could have sought asylum, considering it a “safe third country” even when there was no demonstration of the safety or availability of refugee protection procedures in such countries.

NGOs working with refugees and asylum seekers reported there was no information posted online or at points of entry to provide notice of the right to seek asylum, or of the timeline and process for doing so. The national asylum system remained highly centralized; asylum applications can only be submitted in person in the capital. Persons arriving through the land border or at international airports and ports were at risk of immediate deportation due to the lack of a clear process for formalizing asylum claims.

NGO representatives reported that immigration and other security officials did not handle asylum cases in a manner consistent with the country’s international commitments. The government’s obligation to ensure due process to asylum applicants who express a fear of return to their country stems from the country’s

international human rights commitments, which have constitutional standing. Nonetheless, there was generally neither judicial review of deportation orders nor any third-party review of “credible fear” determinations.

UN officials reported asylum seekers were not consistently notified of inadmissibility decisions. CONARE did not provide rejected asylum seekers with details of the grounds for the rejection of their asylum application or with information on the appeal process. Rejected applicants received a letter stating they had 30 days to leave the country voluntarily. According to government policy, from the time they receive the notice of denial, rejected asylum seekers have seven days to file an appeal. The notice-of-denial letter does not mention this right of appeal.

Observers reported that a lack of due process in migration procedures resulted in arbitrary detention of persons with no administrative or judicial review (see also section 1.d.). As a result, asylum seekers and refugees in the country were at risk of refoulement and prolonged detention.

According to refugee organizations, CONARE does not acknowledge that the 1951 Refugee Convention’s definition of a refugee applies to persons who express a well-founded fear of persecution perpetrated by nonstate agents. This lack of acknowledgement had a detrimental effect on persons fleeing sexual and gender-based violence, trafficking, sexual exploitation, and discrimination due to their sexual orientation or gender identity.

Refoulement: There were reports of persons potentially in need of international protection who were denied admission at the point of entry and subsequently deported to their countries of origin without being granted access to the asylum process (see also section 1.d.).

Freedom of Movement: Persons claiming asylum often waited months to receive a certificate as an asylum seeker and to be registered in the government database. The certificate had to be renewed every 30 days at the national office in Santo Domingo, forcing asylum seekers who lived outside Santo Domingo to return monthly to the capital, accompanied by all their family members, or lose their claim to asylum. At the same time, this mandatory monthly movement within the

country further exposed the asylum seekers to the risk of detention and refoulement. Observers reported individual instances of asylum seekers being detained on the way to renew their certificate. Asylum seekers with pending cases had only this certificate, or sometimes nothing at all, to present to avoid deportation. This restricted their freedom of movement. During the year, these certificates did not protect asylum seekers from detention and removal by migration officers, including to countries where they had expressed a fear of return.

Top migration officials openly admitted removing individuals holding asylum certificates, which they justified on the basis that the certificates were easy to forge. In several cases where asylum seekers were detained for lack of documentation, refugee and human rights organizations were able to advocate for their release, although incidents were reported of refoulment of asylum seekers who had claims pending with CONARE.

Some refugees recognized by CONARE were issued travel documents that were not accepted in visa application processes, and some were not issued travel documents at all.

Employment: Some approved refugees were unable to acquire from government authorities the documentation they needed to work.

Access to Basic Services: Approved refugees have the same rights and responsibilities as legal migrants with temporary residence permits. Approved refugees have the right to education, employment, health care, and other social services. Nonetheless, refugee organizations reported that problems remained, particularly related to refugees' ability to afford such services. Refugees reported their government-issued identification numbers were sometimes not recognized, and thus they could not open a bank account or begin service contracts for basic utilities. Refugees sometimes had to rely on friends or family for such services.

Temporary Protection: Launched in 2013, the National Regularization Plan for Foreigners (PNRE) enabled undocumented migrants in the country to apply for temporary legal residency. Although the exact number of undocumented migrants was unknown, in 2013, the government granted temporary residency status to more

than 260,000 applicants, 97 percent of whom were Haitian. The vast majority of such permits expired.

Observers described the PNRE as a failure. Under the administration of President Abinader, the government imposed strict documentary requirements and other hurdles that made it impossible for most of the beneficiaries under the PNRE to renew their status. As a result, almost all of the 260,000 individuals who were granted temporary residency status under the PNRE had fallen out of status, leaving them vulnerable to heightened migration enforcement and deportation.

No temporary residence documents were granted to asylum seekers; those found to be admissible to the process were issued a paper certificate that supposedly provided them with protection from deportation but did not confer other rights. This certificate often took months to be delivered to asylum seekers. Due in part to this delay, both refugees and asylum seekers lived on the margins of the migration system. Even many asylum seekers who held valid certificates were detained by the DGM and deported to countries to which they had expressed a fear of return.

Foreigners often were asked to present legal migration documents to obtain legal assistance or to access the judicial system; therefore, the many refugees and asylum seekers who lacked these documents were unable to access legal help for situations they faced under criminal, labor, family, or civil law.

Refugees recognized by CONARE were issued one-year temporary residence permits that could not be converted to a permanent residence permit and must undergo annual reevaluation of the person's need for international protection, a procedure contrary to international standards. Overall, observers said the process for refugees lacked a pathway to effective local integration as a durable solution.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

A large population of stateless persons resided in the country. A constitutional change in 2010 and a 2013 Constitutional Tribunal ruling revised the country's

citizenship laws. One effect was to retroactively strip citizenship from more than 100,000 persons, mostly the children of undocumented Haitian migrants, who previously had citizenship by virtue of the *jus soli* (citizenship by birth within the country) policy in place since 1929.

The Inter-American Commission on Human Rights found that these legal revisions led to statelessness for the persons who lost their citizenship. UN officials and NGOs stated the legal changes had a disproportionate and negative impact on women and their children. All stateless persons were at increased risk for human trafficking.

Dominican-born persons with expired documents or without citizenship or identity documents faced obstacles traveling both within and outside the country. Stateless persons did not have access to electoral participation, formal-sector employment, marriage registration, birth registration, formal loans, judicial procedures, state social-protection programs, or property ownership. The access of stateless persons to primary public education and health care was limited. In addition, those able to receive an education did not receive official recognition, such as a diploma, for completed schooling and were not allowed to attend universities.

Law 169-14, introduced in 2014, includes a mechanism to provide citizenship papers or a naturalization process to persons rendered stateless by the 2013 Constitutional Tribunal ruling. The exact mechanism depended on the status of the individual prior to the 2010 change in the constitution. Those determined to have been registered in the civil registry at birth (Group A) could apply for citizenship documents immediately, while those not registered at birth (Group B) were forced to register as “foreigners” under the PNRE and apply for naturalization only after a two-year residency period.

In practice, the 2014 documentation mechanism was only partially successful. Many stateless persons were not able to claim their citizenship documents. Others did not register and consequently had no legal path to citizenship. In 2020, the outgoing government approved the naturalization of 749 individuals, most of whom were minors who were stripped of their citizenship by the 2013 Constitutional Tribunal ruling and who were part of Group B. In May 2021, President Abinader approved the naturalization of an additional 50 individuals

from the same group. There were initial reports that some of the 799 individuals began receiving identification documents in late 2022.

In 2014, through a mechanism outlined in the law for individuals who were registered at birth in the civil registry (Group A), the government identified more than 60,000 persons who were eligible to receive nationality documentation confirming their Dominican citizenship. The Central Electoral Board (JCE) issued birth certificates and national identity documents to approximately 26,000 individuals, leaving 34,000 eligible Group A beneficiaries who did not receive national identity documents. As of December, many of those additional individuals had not been identified or had not received an identity document due to concerns regarding their supporting documentation. The pool of individuals identified as potentially part of Group A extended back to individuals born as early as 1929. Because a number of those individuals may have died or moved out of the country in the ensuing decades, the remaining number of eligible Group A individuals could be smaller than the 34,000 persons previously identified by the JCE. Observers called on the government to enhance efforts to audit and investigate the outstanding claims by members of Group A.

According to observers, approximately 7,000 stateless individuals falling under the Group B profile who registered with the government under the PNRE and were on track for naturalization after a two-year residency period had since seen their documents expire. The office responsible for registering foreigners ceased operations in February 2020 due to the COVID-19 pandemic, and as of December 2022, it had not reopened, leaving these individuals in a state of legal limbo, unable to access public services and vulnerable to deportation. Observers called on the government to facilitate the renewal of residence permits and identity cards, and to review the naturalization claims, for members of Group B.

A number of other stateless individuals were unable or unwilling to register as “foreigners” during the 180-day application window established by Law 169-14. As of December, there was no way for this second group of an estimated 23,000 persons, known as Group B2, to register as foreigners or secure Dominican nationality.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal, direct, and equal suffrage. Active-duty police and military personnel are prohibited from voting or participating in partisan political activities.

Elections and Political Participation

Recent Elections: In the 2020 election, Luis Abinader of the Modern Revolutionary Party was elected as president for a four-year term. This was the first time since 2000 that a member of the opposition party won a presidential election. Some congressional and municipal races remained contested for weeks, leading to sporadic protests and violence, mainly in the National District, regarding seats in the lower chamber of congress. Overall, however, civil society and international observers praised the citizens and electoral authorities for a voting process that was orderly and largely peaceful, despite complications from COVID-19.

During both the municipal and presidential elections, the Organization of American States (OAS) and domestic observers noted widespread illegal political campaigning immediately outside of voting stations, indications of vote buying, lack of financial transparency by political parties and candidates, and illegal use of public funds during the campaign. Most electoral crimes were not prosecuted.

Political Parties and Political Participation: By law, major parties, defined as those that received 5 percent of the vote or more in the previous election, receive 80 percent of public campaign finances, while minor parties share the remaining 20 percent. The OAS, domestic NGOs, and minor parties criticized this allocation of funding as unequal and unfair. Civil society groups criticized the government and the then ruling Dominican Liberation Party for using public funds to pay for advertising shortly before the elections, despite the legal prohibition on the use of public funds for campaigns.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and

they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and in a change from years past noted by independent observers, the government generally implemented the law effectively. The attorney general, through the Office of the Specialized Prosecutor on Administrative Corruption (PEPCA), investigated allegedly corrupt officials. Nonetheless, government corruption remained a serious problem.

NGO representatives said that previously the greatest hindrance to effective investigations was a lack of political will to prosecute individuals accused of corruption, particularly well-connected individuals or high-level politicians. In recent years, the attorney general pursued several cases against public officials, including high-level politicians and their families, although most had not yet been prosecuted in court, and the legal system's ability to successfully do so remained in question.

Corruption: NGOs and individual citizens regularly reported acts of corruption by various law enforcement officials, including police, immigration officials, and prison officials. The government on occasion used nonjudicial punishments as a tool to fight corruption, including dismissal or transfer of military personnel, police, judges, and minor officials.

On August 28, the coordinating judge for the Examining Court of the National District authorized PEPCA to move forward with a corruption investigation against Donald Guerrero, minister of finance during the Medina administration from 2016 to 2020. According to PEPCA, Guerrero was being investigated for alleged conspiracy to commit corruption, falsification, public fraud, bribery, and money laundering while in office. The investigation included several other former officials, including former administrator of BanReservas, the state-owned bank; the former general comptroller; and the former general director of the budget. PEPCA stated that this group of officials took advantage of the payments of public debts related to land expropriations and purchase of lands by the government by taking

bribes and negotiating payments with the affected families while in office.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials often were cooperative and responsive to their views, human rights groups that advocated for the rights of Haitians and persons of Haitian descent faced occasional government obstruction.

The United Nations or Other International Bodies: The government maintained a generally positive relationship with the UN country office and subordinate organizations. Some UN organizations, however, were authorized only on a year-to-year basis, thus requiring frequent negotiation of new authorizations. This limited their ability to implement long-term programming and restricted potential support to vulnerable populations. UN organizations also experienced protests, harassment, and intimidation by far-right nationalist groups, to the extent that some senior UN officials had to leave the country for periods of time. It was unclear to what extent the government was investigating or addressing these threats.

Government Human Rights Bodies: The constitution establishes the position of human rights ombudsperson to safeguard human rights and protect collective interests, although it was unclear whether the office was independent and effective. There was also a human rights commission, cochaired by the minister of foreign affairs and the attorney general. The Ministry of Foreign Affairs, under the direction of the Presidency, coordinated the National Action Plan for human rights, which outlined shared goals and allocated responsibilities between the government ministries and other public entities. The Attorney General's Office had its own human rights division.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men and women, spousal rape, domestic violence, incest, and sexual aggression. While many cases were prosecuted, observers estimated many more went unreported due to victims' lack of confidence in the justice system. Sentences for rape range from 10 to 15 years in prison and an additional modest fine. The Attorney General's Office oversees the Violence Prevention and Attention Unit, which had 19 offices among the country's 32 provinces. The office instructed its officers not to settle cases of violence against women and to continue judicial processes even when survivors withdrew charges. District attorneys played a key role in providing assistance and protection to survivors of violence by referring them to appropriate institutions for legal, medical, and psychological counseling.

The Ministry of Women promoted equality and worked to prevent violence against women and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community by implementing education and awareness programs, as well as providing training programs for other ministries and offices. The ministry managed 15 shelters for women and child victims of violence, including one dedicated to victims of trafficking. The ministry also hosted training in collaboration with the Attorney General's Office, National Police, and the National Institute for Migration to strengthen comprehensive assistance to survivors of gender-based violence, including survivors of human trafficking.

The Ministry of Women provided psychological services, legal services, and economic reparation, and operated an emergency assistance telephone line for women who were survivors of violence and threats. The ministry liaised with other ministries and government offices to promote gender mainstreaming and nondiscrimination of women in all spheres of public and private life, including women's political, economic, political, and individual rights. NGO representatives generally welcomed these and other efforts but insisted more was needed.

Other Forms of Gender-based Violence: The Attorney General's Office registered several dozen femicides, killings of women committed by a partner or

former partner. Acid attacks, predominantly against women, with a mix of sulfuric, hydrochloric, and muriatic acid, a concoction commonly referred to as devil's acid, made up 7 percent of annual admissions to the burn unit in the country's largest trauma center. In September 2021, Attorney General Miriam German instructed public prosecutors to treat attacks with devil's acid as "acts of torture or cruelty." Persons convicted of this crime received sentences of up to 20 years' imprisonment but often spent only a few years in prison, according to civil society organizations.

Sexual Harassment: The law defines sexual harassment by an authority figure as a misdemeanor; conviction carries a sentence of one year in prison and a large fine. Observers reported the law was not adequately enforced and that sexual harassment remained a problem.

Reproductive Rights: There were no reports of coerced abortion on the part of the government, although involuntary sterilization reportedly was performed on poor and disabled women without their consent, according to civil society observers.

Economic and cultural barriers prevented couples and individuals, especially women and young persons, from accessing contraception. Low incomes and lack of educational programs in schools were barriers to many persons who needed information and resources for family planning and reproductive health care. While family-planning NGOs provided contraceptives without charge, many low-income women, particularly those in rural areas, lacked access or used contraceptives inconsistently due to costs, irregular availability, societal influences, and cultural male dominance. According to civil society observers, such low-income, rural women were likely to experience obstacles in accessing inpatient health care for pregnancy and childbirth, as well as most other health services. Emergency contraception was available for purchase without prescription at most pharmacies.

The government provided some access to sexual and reproductive health services for survivors of sexual violence through the Ministry of Women, but most of the burden for providing these services fell on women's rights NGOs. The Ministry of Women managed the Center for the Promotion of Comprehensive Health for Adolescents, offering comprehensive education on sexual health to young persons

in order to contribute to informed decision-making on sexual and reproductive health.

According to the Ministry of Public Health and other observers, the maternal death rate was 97 per 100,000 births, a decline from previous years, while the adolescent pregnancy rate remained above 20 percent for girls and young women ages 15 to 19. According to civil society observers, pregnant students and young mothers often found it difficult or impossible to continue their education. They cited many reasons, including the impact of pregnancy on their health and deficiencies in the educational system that prevented many women and girls from returning to school. Many young mothers or pregnant girls were expelled from school, although it was illegal to do so, or were moved to night classes under the pretext that they were a “bad example” to other students. Observers also noted that once young women and girls became pregnant, their families and communities considered them emancipated, regardless of their age, and the young women and girls were expected to stay home to take care of the baby and carry out other household chores.

Discrimination: Although the law provides women and men the same legal rights, women did not enjoy social and economic status or opportunity equal to that of men. Civil society organizations explained that women faced obstacles regarding economic equality and independence. In addition, no law requires equal pay for equal work. Observers reported women who lived in rural areas, women of color, women with disabilities, and women who were undocumented migrants faced higher rates of discrimination.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on skin color and nationality. There was evidence of racial prejudice and discrimination by the security forces and other government offices against persons of dark complexion, Haitians, or those perceived to be Haitian, especially those who were perceived to be undocumented migrants. Civil society and international organizations reported that officials denied health care and documentation services to persons of Haitian descent and Haitian migrants (see also sections 1.d., 2.d., and 2.g.).

Darker-complected persons experienced discrimination when accessing a variety of government services. Hospitals sometimes wrongfully gave pink birth certificates (indicating foreigner status) to children of parents assumed to be Haitian migrants based on the color of their skin, accent, or name. Police, migration agents, and other security forces detained persons of Haitian descent for deportation or alleged crimes based on their skin color, their accent, their place of residence, or their name. Observers reported incidents of citizens being detained under suspicion they were undocumented Haitian migrants and transported to migration detention centers before authorities determined their legal status and released them.

Office closures and bureaucratic hurdles prevented persons of Haitian descent from applying for naturalization or registering as foreigners, while those persons were simultaneously being targeted for deportation to Haiti for not having such identification documents. In November 2021, as part of newly instituted migration policies to curb the prevalence of undocumented immigrants, the country began unlawfully deporting Haitians and persons of Haitian descent who were pregnant or recently gave birth.

Children

Birth Registration: Citizenship comes with birth in the country, except to children born to diplomats, to those who are “in transit,” or to parents who are illegally in the country (see also section 2.g.). A child born abroad to a Dominican mother or father may also acquire citizenship. Children not registered at birth remain undocumented until the parents file a late declaration of birth.

The law requires a special birth certificate for children born to foreign women who do not have documentation of legal residency. Observers reported that some mothers faced discrimination while registering the births of their children despite the fathers being Dominican, in particular, mothers of Haitian origin who were legally stateless or undocumented migrants. This was less frequent in the reverse situation when children were born to a Dominican-citizen mother and a foreign-born father. These obstacles to timely birth registration, which is necessary to determine citizenship, put at risk children’s access to a wide range of rights, including the right to nationality, to a name and identity, and to equality before the

law.

Education: Education was free and compulsory at the primary level, and free but not mandatory at the secondary level. Observers reported that children of undocumented migrants were denied access to schools and were not allowed to obtain diplomas or apply to university.

Child Abuse: Abuse of children younger than age 18, including physical, sexual, and psychological abuse, was a serious problem. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides for sentences of two to five years' incarceration and a large fine for persons convicted of physical and psychological abuse of a minor. Despite this legal framework for combatting child abuse, local NGOs reported that few abuse cases were reported to authorities and fewer still were prosecuted.

Child, Early, and Forced Marriage: A January 2021 law prohibits marriage of persons younger than 18. The law in part aimed to prevent girls from becoming trafficking victims. Girls often married much older men and were considered emancipated upon marriage. Child marriage occurred more frequently among girls who were uneducated, poor, and living in rural areas. According to data from UNICEF in 2019, 36 percent of Dominican women were married or in a union by age 18. More than 58 percent of women in the country's poorest quintile were married or cohabitating by age 18.

Sexual Exploitation of Children: The law defines statutory rape as sexual relations with anyone younger than 18. Penalties for conviction of statutory rape are 10 to 20 years in prison and a significant fine.

The law prohibits child pornography and commercial sexual exploitation of children. Observers reported children were trafficked for commercial sex, particularly in tourist locations and major urban areas, and child pornography was rampant and growing due to the ease of online exploitation. The government conducted successful law enforcement operations and training programs to combat the sexual exploitation of minors.

Displaced Children: Large populations of children, primarily Haitians or persons

of Haitian descent, lived on the streets and were vulnerable to trafficking.

Antisemitism

The Jewish community comprised approximately 350 persons. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults or so-called cross-dressing. According to civil society observers, there were cases of members of the LGBTQI+ community, in particular transgender women, being arbitrarily harassed, abused, and arrested by police and other authority figures who cited public indecency, loitering, or other seemingly neutral laws to justify their actions.

Violence against LGBTQI+ Persons: Violence and threats of violence against LGBTQI+ persons were common, especially against gay men, lesbians, and transgender women. Victims often declined to file complaints due to fears of further harassment or being outed. The National Police largely failed to respond to reports of these crimes because police generally did not prioritize this victim group and often showed indifference or outright hostility to the LGBTQI+ community. Prosecutors referred cases of violence against LGBTQI+ persons to the Attorney General's Human Rights Unit.

Media and civil society observers highlighted several reports of LGBTQI+ persons being targeted for robbery, extortion, abuse, or murder through location-based dating apps. In July Frederick Perez was killed by a group of men who targeted him through an app. A media program by journalist Altagracia Salazar broadcast following Perez's killing pointed out that a large number of young, middle-class

men “of a very similar profile” had gone missing or were killed in recent years. In December, civil society organizations identified 15 violent murders against LGBTQI+ persons that occurred during the year. Civil society representatives called on the government to investigate and to take action to prevent future violence targeting members of the LGBTQI+ community.

Discrimination: The constitution protects the principles of nondiscrimination and equality before the law, but it does not specifically include sexual orientation, gender identity and expression, or sex characteristics as protected categories. It prohibits discrimination on the grounds of “social or personal condition” and mandates that the state “prevent and combat discrimination, marginalization, vulnerability, and exclusion.” The law prohibits discrimination based on sexual orientation and gender identity only for policies related to youth and youth development.

Civil society organizations reported widespread discrimination against LGBTQI+ persons, especially transgender individuals (both transfeminine and transmasculine), which limited their ability to access education, employment, health care, housing, justice, security, and other services.

Availability of Legal Gender Recognition: The government does not allow transgender or intersex individuals to change the gender listed on their identity documents to align with their gender identity and sex characteristics. There was no option to identify as nonbinary, intersex, or gender nonconforming. This was a source of harassment for many persons attempting to access public services.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: The government and health authorities did not take a public position on so-called conversion therapy practices. According to civil society organizations, religious groups attempted to “convert” LGBTQI+ persons into heterosexuals through practices that were emotionally and physically damaging.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There are no anti-LGBTQI+ propaganda laws, “hate speech” laws, or other laws or legal restrictions on the ability of LGBTQI+ organizations to legally register or

convene events such as Pride festivities. According to civil society observers, however, unequal enforcement of the law or support from public institutions sometimes limited LGBTQI+ individuals and organizations from exercising these rights on an equal basis.

Persons with Disabilities

Persons with disabilities were unable to access education, health services, public buildings, or transportation on an equal basis with others. The law states the government should provide access to the labor market and to cultural, recreational, and religious activities for persons with disabilities, as well as physical access to all new public and private buildings. The law was not consistently enforced. The law specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Very few public buildings were fully accessible. Lack of accessible public transportation was a major impediment.

There were three government centers for the care of children with disabilities: one each in Santo Domingo, Santiago de los Caballeros, and San Juan de la Maguana. These centers served a small percentage of the population with disabilities, offering services to children with cerebral palsy, Down syndrome, and autism spectrum disorder. The centers had lengthy waiting lists for children seeking care. According to a 2016 Ministry of Education report, 80 percent of registered students with disabilities attended some form of school.

Other Societal Violence or Discrimination

There were reports of citizens attacking and sometimes killing suspected criminals in vigilante retaliations for theft, robbery, or burglary. Authorities usually investigated these incidents and prosecuted those involved.

Although the law prohibits the use of HIV testing to screen employees, the government, Human Rights Watch, Amnesty International, and the International Labor Organization (ILO) reported that workers in various industries faced obligatory HIV testing. Workers were sometimes tested without their knowledge or consent. Many job applicants found to have HIV were not hired, and some of those already employed were either fired from their jobs or denied adequate health

care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, with the exception of the military and police, to form and join independent unions, conduct legal strikes, and bargain collectively; however, it places several restrictions on these rights. For example, the law restricts collective bargaining rights to those unions that represent a minimum of 51 percent of the workers in an enterprise. In addition, the law prohibits strikes until mandatory mediation requirements have been met. Formal strikes occurred but were not common.

Formal requirements for a strike to be legal include the support of an absolute majority of all company workers for the strike, written notification to the Ministry of Labor, and a 10-day waiting period following notification before the strike can proceed. Government workers and essential public-service personnel may not strike. The government adopted a broad definition of essential workers that included teachers and public-service workers in communications, water supply, energy supply, hospitals, and pharmacies.

The law prohibits antiunion discrimination and forbids employers from dismissing an employee for participating in union activities, including being on a committee seeking to form a union. Although the Ministry of Labor must register a union for the union to be legal, the law provides for automatic recognition of a union if the ministry does not act on an application within 30 days. The law allows unions to conduct their activities without government interference.

Public-sector workers may form associations registered through the Office of Public Administration. For the association to be formed, the law requires that 40 percent of employees of a government entity agree to join. According to the Ministry of Labor, the labor code applies to all workers, including foreign workers, those working as domestic workers, workers without legal documentation, and workers in the free-trade zones.

The government did not effectively enforce laws related to freedom of association

and collective bargaining, and penalties were less than those for other laws involving denials of civil rights. Penalties were rarely applied against violators. The process for addressing labor violations through criminal courts could take years, leaving workers with limited protection in the meantime.

In recent years, there were reports of intimidation, threats, and blackmail by employers to prevent union activity. Some unions required members to provide identity documents to participate in the union even though the labor code protects all workers regardless of their legal status.

Labor NGO representatives reported companies resisted collective negotiating practices and union activities. In recent years, companies reportedly fired workers for union activity and blacklisted trade unionists, among other antiunion practices. Workers reported they believed they had to sign documents pledging to abstain from participating in union activities. Companies also created and supported “yellow” or company-backed unions to counter free and democratic unions.

Although some companies had collective bargaining agreements, other companies created obstacles to union formation and used expensive and lengthy judicial processes to avoid independent unions and collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced labor. The government did not consistently enforce the law. The law prescribes imprisonment of 15-20 years and fines for persons convicted of exploiting forced labor; penalties were less than penalties for similar crimes such as kidnapping. Penalties were rarely applied against violators.

Civil society organizations reported that forced labor of adults, particularly undocumented Haitian migrants and stateless persons of Haitian descent, likely occurred in the construction, agriculture, and service sectors. Advocates for these workers reported receiving threats. Forced labor of children also likely occurred (see section 7.c.). International observers indicated the government needed to do more to screen for forced labor indicators in workplaces. The Attorney General’s Office reported carrying out a program to increase awareness of forced child labor and its legal consequences in tourist areas, as well as training programs for judges,

prosecutors, and investigators.

The labor code applies equally to all workers regardless of nationality, but Haitian migrant workers' lack of documentation and uncertain legal status in the country made them more vulnerable to forced labor and less likely to report indicators of forced labor. NGO representatives reported many irregular Haitian laborers and stateless persons of Haitian descent did not exercise their labor rights due to fear of being fired or deported.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution creates rights of equality and nondiscrimination, regardless of sex, skin color, age, disability, nationality, family ties, language, religion, political opinion or philosophy, and social or personal condition. The law prohibits discrimination, exclusion, or preference in employment, but there is no law against discrimination in employment based on sexual orientation, gender identity, or stateless status. The government did not effectively enforce the law against discrimination in employment, and penalties were less than penalties for other civil rights violations. Penalties were rarely applied against violators. Discrimination in employment and occupation occurred with respect to persons with HIV or AIDS, persons with disabilities, persons of color or of Haitian descent, LGBTQI+ persons, and women (see section 6).

Between 2014 and 2020, on average, women received 16.7 percent less salary than men, according to a study from the Office of National Statistics. Reports estimated that women were 41 percent less likely to receive an equal wage for similar work in comparison to men.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum wage that varies depending on the size of the enterprise and the type of labor. As of September, the minimum wage for all sectors within the formal economy was above the official poverty line.

The law establishes a standard workweek of 44 hours, not to exceed eight hours per day on weekdays, and four hours on Saturdays before noon. Agricultural workers are exempt from this limit, however, and may be required to work up to 10 hours each workday without premium compensation.

The law covers different labor sectors individually. For example, the labor code covers workers in the free-trade zones, but those workers are not entitled to bonus payments, which represented a significant part of the income of most workers in the country.

A new guideline to formalize domestic work, one of the least-regulated labor sectors, was announced on September 1, with a 90-day implementation timeline. The new guideline requires registration of domestic workers in social security, establishes a minimum wage, and limits working hours, among other benefits.

Mandatory overtime was a common practice in factories, enforced through loss of pay or employment for those who refused. The Federation of Free Trade Zone Workers reported that some companies in the textile industry set up “four-by-four” work schedules under which employees worked 12-hour shifts for four days. In a few cases, employees working the four-by-four schedules were not paid overtime for work beyond eight hours per day or 44 hours per week.

Occupational Safety and Health: The Ministry of Labor set occupational safety and health (OSH) regulations that were appropriate for the main industries. By regulation, employers are obligated to provide for the safety and health of employees in all aspects related to the job. By law, employees may remove themselves from situations that endanger health or safety without jeopardy to their employment, but they may face other punishments for their action.

In March the Ministry of Labor launched guidelines on the safe application of

pesticides.

The Dominican Institute for the Prevention and Protection of Occupation Risks reported in 2021 that 64 percent of workers ages 20 to 39 reported accidents, and 35 percent of workers ages 40 to 60 reported accidents.

The law requires the establishment of Safety and Health Committees in workplaces with 15 or more workers, and Safety and Health Coordinators in smaller workplaces. Ministry of Labor inspectors are trained to inspect for OSH standards as part of their standard inspection procedures, although the number of labor inspectors was insufficient for the size of the nation's workforce.

Wage, Hour, and OSH Enforcement: Ministry of Labor authorities conducted inspections but did not effectively enforce minimum wages, hours of work, and OSH standards. Penalties for violations were less than those for similar crimes such as fraud or negligence and were rarely applied against violators. The number of labor inspectors was not sufficient to enforce compliance. Inspectors have the authority to conduct unannounced inspections. Inspectors did not have the authority to assess penalties but could recommend sanctions to the Public Ministry, which was responsible for pursuing and applying penalties for labor violations uncovered by labor inspectors. In practice, penalties were rarely if ever applied.

Conditions for agricultural workers were poor. Many workers worked long hours, often 12 hours per day and seven days per week, and suffered from hazardous working conditions, including exposure to pesticides, long periods in the sun, limited access to potable water, and sharp and heavy tools. Some workers reported they were not paid the legally mandated minimum wage.

The Central Romana Corporation and other sugar producers faced allegations that they paid their workers substandard wages. Sugarcane cutters were paid in cash weekly according to the number of tons of cane they cut. The rate paid for cut cane ranged between 80 and 217 pesos (\$1.50-\$4.00) per ton, depending on how the cane was prepared for harvest, and whether it was manually loaded on carts. Workers varied widely in their productivity but could typically cut between two and six tons per day. Canecutters typically worked six days a week, and many reported earning between 2,000-3,500 pesos (\$36-\$64) a week. A series of

journalistic investigations alleged that Central Romana Corporation, which was responsible for nearly 60 percent of domestic sugar production, might have systematically deprived workers of promised benefits or drastically limited access to benefits, including health care, lodging, and pensions.

Industrial accidents caused injury and death to some workers. There were reports that Central Romana routinely exposed its workers to dangerous working conditions, including exposure to chemicals and unsafe machinery, and did not support workers' medical expenses when they were injured or became ill as a result of workplace incidents.

Informal Sector: The law applies to both the formal and informal sectors, but it was seldom enforced in the informal sector, which comprised approximately one-half of all workers. Most of the informal-sector jobs were in construction, agriculture, and commerce. Many of the informal-sector workers were undocumented persons or women. Workers in the informal economy faced more precarious working conditions than formal-sector workers.